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Paper No. ____

In re application of
Mourao et al.

Serial No. 09/692,824

Filed: October 19, 2000

For: METHOD TO INCREASE THE
ADHERENCE OF COATING MATERIALS
ON FERROUS MATERIALS

DECISION ON
PETITION

This is a decision on the SUPPLEMENTAL PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE AN OFFICE ACTION, originally filed August 7, 2002 (subsequently re-filed on June 2, 2003), requesting withdrawal of any holding of abandonment which may be issued for failure to respond to the Office action of November 9, 2001. Petitioner asserts that the Office action was not received.

DECISION

Since petitioner asserts that the Office action was not received, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the evidence provided with the instant petition indicates that the request has merit.

The showing required to establish failure to receive an Office Action must consist of 1) a statement from the practitioner attesting to the fact that the Office Action was not received 2) a statement that a search of the file jacket and docket records was performed and indicates that the Office Action was not received, and 3) copy of the docket record where the nonreceived Office Action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement. See MPEP 711.03(c). Petitioner has previously satisfied these requirements.

Additionally, petitioner has provided evidence that the mailing address of record was correct as of the mailing date of the Office action, thus annulling the concerns expressed in the petition decision of July 29, 2002.

Lastly, it is noted that the instant petition is considered timely, inasmuch as it was originally filed on August 7, 2002.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application will be forwarded to the examiner for prompt remailing of the Office action and restarting of the statutory period of response from the re-mail date thereof.

The Petition is **GRANTED**.

Jacqueline Stone

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